

REMARKS

The present application has been reviewed in light of the Office Action dated May 28, 2003. Claims 1-6 and 11-18 are presented for examination, of which Claims 1, 6, 11, and 18 are in independent form. Claims 1 and 6 have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 1-6 and 11-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,661,568 (Ueno) in view of U.S. Patent No. 5,216,517 (Kinoshita et al.); and that Claims 14-16 are rejected under § 103(a) as being unpatentable over Ueno in view of Kinoshita et al., and further in view of U.S. Patent No. 5,303,066 (Kawaguchi). Applicant respectfully traverses the rejections and submits that independent Claims 1, 6, 11, and 18, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

An aspect of the present invention set forth in Claim 1 is directed to a communication apparatus adapted to execute a plurality of kinds of facsimile protocols of which image transmission speeds are different from each other. The apparatus includes a detector circuit, a communication circuit, a memory, and a control circuit. The detector circuit is adapted to detect ID information for identifying a calling station before a start of communication with the calling station, on an occasion of reception of a call. The communication circuit is adapted to communicate with the calling station using any one of the plurality of kinds of facsimile protocols. The memory is adapted to store (1) ID information detected by the detector circuit and (2) a facsimile protocol used for communication with the calling station conducted through the

communication circuit, in correspondence with each other. When ID information detected by the detector circuit upon an occasion of reception of a call is already stored in the memory, the control circuit causes communication to be conducted using a facsimile protocol stored in the memory in correspondence with the detected ID information.

One of the notable features of Claim 1 is that, when communication is conducted using any one of a plurality of kinds of facsimile protocols of which image transmission rates are different from each other, both the ID information of the calling station involved in the communication and the facsimile protocol used in the communication are stored in the memory in correspondence with each other. After that, on an occasion of reception of a call, if the detected ID information for identifying the calling station is already stored in the memory, communication is conducted using the facsimile protocol stored in the memory in correspondence with the detected ID information.

Ueno relates to a communication system that reduces the time for establishing a communication protocol. Ueno discloses that telephone numbers and past communication histories for one-touch dialing and abbreviated dialing are stored in a memory, in correspondence with each other. When a call is to be made, the system (calling side) checks whether a flag indicates that an abbreviated protocol is to be used. If the flag indicates that the abbreviated protocol is to be used, then the call is transmitted using the abbreviated protocol. If the flag does not indicate use of the abbreviated protocol, then the call is made in a normal transmission (see Fig. 2).

Kinoshita et al. relates to a communication system that performs control

operations depending on whether or not a received subscriber number coincides with a previously registered subscriber number. As understood by Applicant, Kinoshita et al. teaches that, if a call is received from a calling station that is previously registered in a called station, a communication protocol for remote control corresponding to a sub-address designated by the calling station is executed. If a call is received from a calling station that is not previously registered in the called station, a regular image communication receiving process is executed.

Applicant submits that a combination of Ueno and Kinoshita et al., assuming such combination would even be permissible, would fail to teach or suggest a communication apparatus adapted to execute a plurality of kinds of facsimile protocols of which image transmission speeds are different from each other, wherein the apparatus includes "a detector circuit adapted to detect ID information for identifying a calling station before a start of communication with the calling station, on an occasion of reception of a call," and "a communication circuit adapted to communicate with the calling station using any one of the plurality of kinds of facsimile protocols," and "a memory adapted to store (1) ID information detected by said detector circuit and (2) a facsimile protocol used for communication with the calling station conducted through said communication circuit, in correspondence with each other," and "a control circuit adapted to, when ID information detected by said detector circuit upon an occasion of reception of a call is already stored in said memory, cause communication to be conducted using a facsimile protocol stored in said memory in correspondence with the detected ID information," as recited in Claim 1.

The Office Action concedes that Ueno "differs from the claimed invention in

not specifically teaching to store ID information detected by the detector circuit and a facsimile protocol used for communication with the calling station conducted through the communication circuit in order to start a facsimile protocol stored in a memory at a called station corresponding to the ID information detected by the detector circuit after having made a response to the call," and contends that Kinoshita et al. teaches a communication terminal apparatus "capable of automatically selecting different communication protocols in correspondence with a caller identification information."

Applicant respectfully submits that Ueno cannot properly be combined with Kinoshita et al. As discussed above, Ueno teaches that when a call is to be made, it is checked *at the calling side* whether a flag indicates that an abbreviated protocol is to be used. Therefore, the protocol is set at the *calling side*. In contrast, Kinoshita et al. is understood to teach that, if a call is *received* from a calling station that is previously registered in a *called station*, a communication protocol for remote control corresponding to a sub-address designated by the calling station is executed. Therefore, one of ordinary skill in the relevant art would be confused as to how to implement a communication protocol -- based on a determination made at the calling side (Ueno) or based on a determination made at the called side (Kinoshita et al.).

As such, Applicant respectfully submits that Ueno and Kinoshita et al., considered individually or in combination, fails to disclose or suggest detecting ID information of a *calling station*, upon *reception* of a call, to control which of a plurality of kinds of facsimile protocols to use for the call, based on information stored in a memory.

Further, Kawaguchi is understood to disclose that ID information of a calling

station and a modem speed available in a called station are stored in correspondence with each other. On an occasion of a call, *at the calling side*, a modem speed in correspondence with ID information of a *called* station designated by a user is used to start communication, and a correspondence table between the called station and the modem speed is updated. However, Applicant submits that Kawaguchi fails to disclose or suggest a feature in which, on an occasion of *reception* of a call, *at the called side*, ID information of the *calling* station is used to selectively employ a facsimile protocol, as claimed in Claim 1.

Accordingly, Applicant submits that Claim 1 is patentable over the cited art, and respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claim 6 includes a feature similar to that discussed above, in which, on an occasion of reception of a call, at the called side, ID information of the calling station is used to selectively employ a facsimile protocol. Therefore, Claim 6 also is believed to be patentable for at least the same reasons as discussed above.

An aspect of the present invention set forth in Claim 11 is directed to a communication apparatus adapted to execute a plurality of types of communication protocols for image communication. The apparatus includes a receiver circuit and a control circuit. The receiver circuit is adapted to receive ID information for identifying a calling station before a start of communication of a protocol signal relating to image communication, upon an occasion of reception of a call. According to whether or not the ID information is received by the receiver circuit, after having made a response to the call, the control circuit conducts communication based on an image communication protocol corresponding to the ID information received by the

receiver circuit, or conducts communication to determine an image communication protocol to be used.

Applicant submits that a combination of Ueno and Kinoshita et al., assuming such combination would even be permissible, would fail to teach or suggest a communication apparatus adapted to execute a plurality of types of communication protocols for image communication, wherein the apparatus includes "a receiver circuit adapted to receive ID information for identifying a calling station before a start of communication of a protocol signal relating to image communication, upon an occasion of reception of a call," and "a control circuit adapted to conduct communication based on an image communication protocol corresponding to the ID information received by said receiver circuit, or to conduct communication to determine an image communication protocol to be used, according to whether or not the ID information is received by said receiver circuit, after having made a response to the call," as recited in Claim 11.

Similar to the apparatus of Claim 1, the apparatus of Claim 11 performs communication based on information received at the *called* side. The apparatus of Claim 11 performs communication according to whether or not ID information of a *calling* station is received upon *reception* of a call. If the ID information of the *calling* station is received, then communication using an image communication protocol corresponding to the received ID information of the *calling* station is conducted. If the ID information of the calling station is not received, then communication for determining an image communication protocol to be used is conducted.

As discussed above, Applicant respectfully submits that Ueno cannot properly

be combined with Kinoshita et al., because one of ordinary skill in the relevant art would be confused as to how to implement a communication protocol -- based on a determination made at the calling side (Ueno) or based on information made at the called side (Kinoshita et al.) -- from the disclosures of Ueno and Kinoshita et al. Additionally, as discussed above, Kawaguchi is understood to teach that on an occasion of a call, *at the calling side*, a modem speed in correspondence with ID information of a *called* station designated by a user is used to start communication, and a correspondence table between the called station and the modem speed is updated.

Therefore, Applicant submits that none of the cited references teaches or suggests a feature in which, on an occasion of *reception* of a call, *at the called side*, conducting communication according to whether ID information of the *calling* station is received, as claimed in Claim 11.

Accordingly, Applicant submits that Claim 11 is patentable over the cited art, and respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claim 18 includes a feature similar to that discussed above, in which, on an occasion of reception of a call, *at the called side*, conducting communication according to whether ID information of the calling station is received. Therefore, Claim 18 also is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and therefore are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

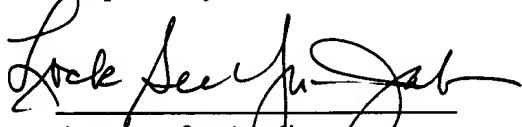
invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

The present Amendment After Final Action is believed clearly to place this application in condition for allowance and therefore its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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